

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

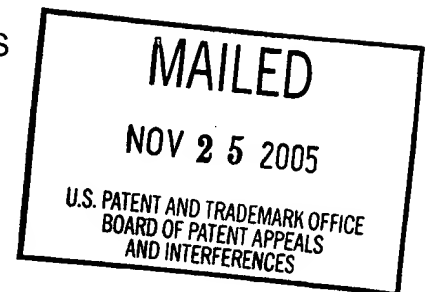
Ex parte DAVID RALPH,
GANG AN, S. MARK O'HARA and
ROBERT VELTRI

Application No. 09/660,568

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 29, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on December 28, 2004, appellants filed an Appeal Brief under the rules set forth in 37 CFR § 41.37(c). However, the application reveals that the following sections are missing from the Appeal Brief:



Application No. 09/660,568

- (1) Evidence appendix; and
- (2) Related proceedings appendix.

A Supplemental Appeal Brief that is in compliance with 37 CFR 41.37(c) is required. For more information on the Board's new rules see the web page entitled More Information on the Rules of Practice Before the BPAI, Final Rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Additionally, on September 10, 2004, an Information Disclosure Statement (IDS) was filed by applicants. This IDS has not been considered.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) hold the Appeal Brief filed on December 28, 2004 defective;
- (2) to notify appellants to file a Supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- (3) to consider the Supplemental Appeal Brief, and if necessary, vacate the Examiner's Answer and issue a revised Examiner's Answer,

Application No. 09/660,568

(4) have the IDS considered; and

(5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



Craig R. Feinberg
Program and Resource Administrator
(571) 272-9797

CRF/cam

Richard A. Nakashima
Fulbright & Jaworski, LLP
600 Congress Ave., Suite 1900
Austin, TX 78701